IMT Nuremberg Archives

H – 1019

International Court of Justice

H1019 – 0001

Com. B.
Take 2 - P. 13
Roberts
16 July 1946 (1215 - 1300)
Johann Wegscheider

1530 23

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

16 July 1946

COMMISSIONER:

Mr. McIlwraith.

POLITICAL LEADERS

(The commission convened at 1230 hours.)

JOHANN WEGSCHEIDER, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Dr. Link, you should have been present at ten o'clock this morning.

BY DR. LINK:

Yes. I wanted to apologize to the Gentlemen anyhow. I had got a very urgent summons and I had no time to inform any of my colleagues, and therefore I apologize for coming so late.

BY THE COMMISSIONER:

The witness will be reminded that he is still under oath. (The interpreter reminded the witness.)

Dr. Link, continue with your examination.

DIRECT EXAMINATION

BY DR. LINK:

Q. Mr. Wegscheider, if I remember yesterday we last talked about the question of what talks you had at the Kreis Leader's office when you had attended in your capacity as Ortsgruppen leader. What were the directives you had received during those talks by the Kreis leader?

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A. The meetings at the Kreis leaders took place twice a year, but it might be possible that in one year or the other there were three meetings. One meeting took place just before the Reich party meeting and ~~were~~ was only meant for information purposes for this Reich party meeting. The other meetings, sometimes there ~~were~~ was only one during the year as I have stated, had the following purpose: the Reich staff and the Reich AMTs leader were assembled and the Reich Staff asked one or two of them to give a lecture on the NSV, DAF or the Peasants. After this lecture which was delivered by the Kreis AMTs leader there was a general discussion. After the discussion the Kreis leader made his final address. These meetings took about an hour to one hour and a quarter.

Q. What were the instructions the Kreis leader gave to you as an Ortsgruppen leader with regard to your political tasks and duties?

A. The Kreis leader has taken charge of the Kreis Kempen-land in 1934 and at that time he brought forward the basic principle and gave the Kreis AMTs leader the following instructions: "You should not govern or command the people, but you should lead them."

Q. But what is the meaning of that sentence?

A. The meaning is the following: You have to be the living example for the symbol of the action and you have to be as you want the people to be.

Q. Did he explain what was to happen if people attacked the state leaders or did not approve of their views or measures?

A. The Kreis leader outlined there the following principle: If a citizen - whether he be a party member or not - should criticize the state leaders then the first thing to do is to examine why he has criticized and what were the reasons. He stressed the point that first it had to be examined if ~~any~~ in one way or the other there had not been an injustice done to the man.

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Q. Had you handed on these directives which you had received at that time to your political leaders and seen to it that they were executed?

A. Yes. I had given quite clear statements to my Block leaders and Zellen leaders and co-workers that this was the course to be taken and if a co-worker should have to decide to take action against any one then I always asked that he bring the charges forth in a written statement, signed with his name, and guaranteed that the facts were correct.

Q. How many denouncements have you received in the years from 1933 to 1935 from your Block and Zellen Leaders?

A. In reality I have received but one denunciation during all those years and this denunciation was a denunciation between two party members.

Q. Were such denunciations caused because the Block Leader and the Zellen leader had to spy upon the population and find out their views?

A. During my twelve years of service I have never received such a denunciation.

Q. Don't you know that in the organization charter the Block and Zellen leaders have to find out who are spreading rumors and have to denounce them?

A. I have only got hold of the organization charter in the year 1943. Therefore I could not be aware of that paragraph and in fact because I had such work I have not really read the organization charter.

Q. Yesterday you stated that your co-workers in the Ortsgruppen staff were only three and that one of them was only a co-worker on paper, that is he did not really exist and that he was written down on the paper only because three co-workers had to be shown to the Kreis leader. Is that correct?

A. Yes.

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Q. Don't you know that the organization charter provides for a considerably larger Ortsgruppen staff?

A. Yes. It provided for instance for a journalistic AMTs leader and I think even for a similar leader.

Q. Since when have you this information?

A. I can not quite recall during the year which was informed by the Kreis leader and by a circular leader.

Q. What do you mean, witness, by Hoheitstrager?

A. The term Hoheitstrager to me means a person who has sufficient rights in a well defined area or is in charge of that area.

Q. Have you considered your Block and Zellen leaders as Hoheitstragers?

A. No, I did not consider them as Hoheitstragers.

Q.. But as what?

A. Only as co-workers.

Q. Did your Block and Zellen leaders have files?

A. Yes. In the beginning and after the foundation of the Ortsgruppen the Block and Zellen leaders had files at their disposal. But after a couple of years I had these files removed and handed them over to the cashier because I had found out that in most of the cases the facts stated in the files were not correct.

Q. Were those files of the party members regarding their contributions because you say you handed them over to the cashier afterwards?

A. Yes. These files were relevant for the collection of the contributions.

Q. I mean to say were they files of the citizens in general in which you could see what sort of papers the man reads and what were his political connections?

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A. No. There was no such files.

Q. Did you have official contact with your Gau leader?

A . No, I had no official contact with the Gau leader.

Q. Had you in your capacity as Ortsgruppen leader or any of your co-workers any authority as to police matters and to assignments?

A. No. We had no such authority.

Q. Could you in your capacity as Ortsgruppen leader call for the SA or the SS for certain measures?

A. No.

Q. What about the grades and commissions the political leaders were to receive in accordance with the organization charter?

A. I had given no information to my political leaders, I mean the Block and Zellen leaders, with regard to that matter.

BY THE COMMISSIONER:

~~I think~~ We will adjourn now until two o'clock.
1300 hours
(Commission adjourned/until 1400 hours)

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Afternoon Session.

The Hearing Reconvened at 1400.

COMMISSIONER:

MR. RASUMOV.

THE COMMISSIONER: Where is defense counsel? Counsel, how much time do you think you will take with the witness?

DR LINK: Approximately three-quarters of an hour.

BY DR LINK:

Q Before the recess, you stated that in your district the question of ranks of your co-workers did not play any part?

A No.

Q So that your co-workers did not carry any political leader rank?

A No.

Q Did the Block and Zellenleiters among each other have any special meetings or conferences?

A No.

THE COMMISSIONER: Counsel, what is the testimony to be given by the witness?

DR LINK: The theme of the proof is to be whether the group which could be observed by the witness was a cohesive group formed with the purpose of committing crimes in the sense of the statute. And whether the alleged criminal goals were observable and easily

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recognizable by this group in the sense of paragraph 3.

THE COMMISSIONER: Couldn't I have that statement in written form?

DR LINK: I stated it this morning, that I could have brought a written form; but I would have to have it written up.

THE COMMISSIONER: All right, continue with your examination now.

BY DR LINK:

Q Do you want to say that in the meetings with your Kreisleiter or in the meetings with your Ortsgruppenleiter group, or in the meetings of the other political leaders, no discussion took place pertaining to measures or plans, nor were those measures or plans touched upon, which one could characterize as humanly indecent and which might serve to the commission of criminal deeds.

A In these circles these things were not discussed.

THE COMMISSIONER: Let the witness speak. Let him finish.

THE WITNESS: In these circles these matters were not discussed.

BY DR LINK:

Q In your capacity as Ortsgruppenleiter, did you ever receive any directives pertaining to the throwing of German nationals into Concentration Camps?

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A I have not received any such directives.

Q And you yourself, did you ever issue any such directives emanating from yourself to your co-workers?

A No. I have not given any such directives to my co-workers.

Q How was it in your district, with the throwing of people into concentration cam;s?

A Since Itook over the functions of mayor, or Ortsgruppenleiter in my district, no one was thrown into any concentration camp.

Q Do you know of any case where people were either put into concentration camps, or where people came out of concentration camps?

A Yes, I do know. It was after the seizure of power. It may have been approximately in February. But I do not know at whose instigation these people were sent to Dachau.

Q Did you approve of it; did you do anything against it?

A It was actually only at the end of 1933 or in January 1934 that in my community two of my co-workers by reason of some sort of remark were thrown into a camp. And because the wife of one of them came to me asking me to put in an application for her husband's release, and because she had a great vegetable garden ~~xh~~ because she herself was sickly and could not take care of it

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properly. Furthermore, she had the dumping place and...

DR LINK: ... That does not mean anything...

BY DR LINK:

Q Did you make an application, with or without success?

A Yes, I got him out.

Q Did you ask him how he fared in the concentration camp?

A I want to stress the name of the man here. It was Michael Baer from Kempten.

Q What did he say:

A He thanked me because out of my own -- out of my community fund, I gave the man car fare and a little pocket money, and I asked him, Now, Baer, how did you make out? He said that he had gotten along well, that treatment and food was good.

Q Could you mention more cases to the Court where you have cared for people released from concentration camps or other jails?

A Yes.

Q Did you ever hear of people in concentration camps being mistreated and even killed?

A No. I actually heard of it only in the camp in Garmisch that there had been such camps.

Q Did you receive any directives, or did you transfer any, which indicated that it was a task of

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political leiters to fight against the church?

A No.

Q Never?

A No, never.

Q Did political leiters disturb yxxxr church services?

A Did I understand you correctly -- you wanted to know whether political leiters attended church?

Q No. What I want to know is whether they disturbed church services?

A No.

Q Did political leiters attend church services?

A Yes.

Q Are you "Believing in God."

A No, I am Catholic.

Q Were the political leiters permitted, despite the fact that they were political leiters, permitted to participate in church activities?

A I myself, and eight of my co-workers, notwithstanding their being political leiters, were members of the church choir.

Q Was a directive ever issued asking the resignational from the church?

A We have never received any written directives.

Q Did political leiters resign?

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A None in my Ortsgruppen.

Q Will you tell the court of the religious attitude of the population in the Allgau?

A My Ortsgruppen, or rather the inhabitants of my community, all were catholics.

Q Isn't it true that the population of Allgau were mostly catholic?

A Mostly catholic -- only in the area in the north of Kempten, Lutherans.

Q Did you have any contact with trade unions?

A No.

Q Were there any Jews in your Kreis at any time?

A In the Landkreis Kempten there were no Jews.

Q Did the Jewish cattle dealers come into the country -- in your Ortsgruppen also?

A In Kempten there was a wholesale cattle trading firm of Loew Brothers. The farmers went to the city to transact their business there. They rarely came out to our community.

Q How long did your farmers, your population, trade with these Jewish cattle dealers?

A For a long time after the seizure of power, but I cannot definitely state the year.

Q In your capacity as Ortsgruppenleiter, did you not enlighten the farmers that they were not to deal

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with Jews, and to boycott them?

A I did not.

Q Why not?

A Because I would have considered this interference with the rights of the farmer.

Q Did you hear anything about the excesses in the year 1938?

A There were some individual rumors.

Q Nothing has happened there?

A No.

Q What was your idea of the solution of the Jewish problem? You must have observed that the Jews had slowly disappeared.

A Yes, I thought that the Jews would have been settled somewhere. There was a lot being spoken and written regarding Palestine.

Q In your capacity as Ortsgruppenleiter, did y ou receive any directives stating that the American parachutters emergency landing were to be particularly badly treated?

A No, I have not received anything. To the contrary, the Kreisleiter has ordered that such emergency landed flyers were to be treated humanely as prisoners of war.

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Q Have these directives also been put into practice?

A Yes, sir.

Q Were there in your Ortsgruppen, or in the further away area, emergency landed flyers?

A Yes, I myself had the opportunity to take a parachute flyer into my apartment, and one of my political co-workers had an opportunity to pick up two of them.

Q What happened to them?

A Those who were picked up by the political leiters were fed by the farmer; the one I picked up myself had rations with him. After a very brief time, perhaps ten minutes, they were picked up by car by the Gendarmerie in Kempten.

Q They were not ill treated or in any way mistreated?

A Not in the least.

Q Yet you have read mostly likely the newspaper articles by Goebbels? Why didn't you follow his advice?

A Firstly because I myself was a soldier. I was participant in the campaign in 1918, that is to say - I was a soldier for almost eight years, and I would have considered it an injustice to treat prisoners of war that way.

Q And secondly?

A Secondly, the attitude of the population was

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that they would not have committed any viciousness against any prisoners of war or parachute flyers.

Q Did you have anything to do with other American or British prisoners of war in your capacity as Ortsgruppenleiter?

A Yes, I had something to do with American and Russian PWs.

Q When was that?

A I cannot recall the month exactly. It was either January or February 1945.

Q Did they escape from a camp, or were they in any other way desserters?

A These Americans came from the camp Aitrang Kaufbeuren. They were p icked up by a Landwacht service at midnight near a bridge near Hirschdorf.

Q How did you happen to be there?

A Both Landwacht guards delivered those people to me.

Q Because you were mayor, or because you were Ortsgruppenleiter?

A Because I was mayor.

Q What did you do?

A In accordance with directives, I know the Gendarmerie stationed at that station, the man who answered the phone told me he could not come to pick them up because he was alone. He asked me to talk

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to the Landwacht people and have them take these people to camp. Since it was only four kilometers to Kempten it was possible these people walked there.

Q So nothing happened to them?

A No, these people had a lot of rations with them. All they asked for was a little water.

Q You stated here yesterday that your district was a purely rural one. So that you must have had foreign laborers on the farms. Is that right?

A We had civilian foreign laborers, about sixty male and female, Poles and Ukraines.

Q Were they treated differently from the German workers?

A No, they were treated alike - like the German workers.

Q Has the Kreis issued to you as Ortsgruppenleiter, orders stating that Poles were to be treated particularly badly?

A No.

Q Are you acquainted with any directives emanating from superior authority concerning the treatment of foreign laborers?

A The assignment of these foreign laborers was the duty in our community of the Ortsbauernfuehrer, the local farmer leader.

Q Is it correct that the Ortsbauernfuehrer

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belonged to the Reichsfuehrer?

A Yes.

Q Was the Arbeitsamt part of y our Ortsgruppen staff?

A Indirectly.

Q So that you have not received any directiv es from the Ortsbauernfuehrer pertaining to special treatment of the foreign workers?

A The Ortsbauernfuehrer always has conferred with me on measures which he had to take. I do not remember exactly whether he told me orally about it, or whether he showed me a slip from the Labor Office.

Q What kind of order was it?

A It was said that Poles and Ukraines were to eat at separate tables, were not supposed to use bicycles, and had to be home at a definite hour.

Q Was it like that in your district? If you knew about it, would that have been put into practice?

A No, I told the Ortsbauernfuehrer Joseph we cannot ask our farmers to cook specially for the foreign workers. The people worked at the farms and they should be fed well there.

Q And Joseph did it that way?

A Yes.

Q Mr. Witness, did you ever hear of Einsatzstab Rosenberg?

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A No.

Q And not even after the capitulation?

A No.

Q What is your idea of it?

THE COMMISSIONER: I object to this question, because he has not heard of Einsatzstab Rosenberg, so he cannot have an idea of it.

DR LINK: I wanted to know what sort of idea the words "Einsatzstab Rosenberg" really means to him.

THE WITNESS: I could only assume that it was a matter of church affairs.

BY DR LINK:

Q In conclusion, I want to ask you two things: Have you read "Mein Kampf" by Adolf Hitler?

THE WITNESS ATTEMPTS TO ANSWER.

THE COMMISSIONER: Tell us, yes or no.

THE WITNESS: Not completely.

BY DR LINK:

Q Did you understand it. Did you understand it as far as you read it?

A I have read only less than one-third of it.

Q Did you understand that third which you read?

A No.

Q And the last. When did you notice that the war was lost?

A At the collapse of the West Wall.

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THE COMMISSIONER: At the collapse?

THE WITNESS: Yes, sir.

BY DR LINK:

Q Then what did you do?

A There was nothing to do. What could I have done?

Q For instance, you could have resigned as Ortsgruppenleiter.

A That would not have been of any use. Because the next day there would have been someone else in my place.

DR LINK: No further questions.

CROSS-EXAMINATION

BY COL. GRIFFITH-JONES:

Q Why should you imagine that the Einsatzstab Rosenberg is something to do with church matters?

A From what one could gather from discussion with party members, one heard that Rosenberg was leading some sort of fight against the church.

COL GRIFFITH-JONES: In the interest of time, I do not propose to cross-examine this witness. His evidence is cumulative. It is exactly the same, point by point, on the evidence ~~of~~ that every other member of the political leaders has given. The transcript, for the assistance of the Tribunal, has time and again, always reference to documents which are in complete contradiction to what

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the witnesses said on many points. I don't think it would be of any use to question the witness here....

THE COMMISSIONER: So you are not going to cross-examine this witness?

Defense counsel, do you have any more questions?

DR LINK: No questions.

THE COMMISSIONER: Col Orlov, please?

BY COL ORLOV:

Q You told us that your whole activity, your entire activity as Ortsgruppenleiter, consisted of calling two to three meetings annually, and some conferences with Zellenleiters.

A Yes, that is the way it was.

Q What sort of assistance did you give to the Party and the government?

A Merely within the Ortsgruppen - we attempted to diminish unemployment.

Q This is hardly a matter for the Party, to have done that as mayor; but in your capacity as Ortsgruppenleiter what did you do?

A My activity as Ortsgruppenleiter was merely marginal since in February 1934, besides being mayor I also had to take over the function as chairman of the Smiths League of smiths.

THE COMMISSIONER: You mean blacksmiths?

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THE WITNESS: Yes. And I also took over that of the Outdoor Purchasing Blacksmiths Cooperative.

BY COL ORLOV:

Q In any case, you were a Nazi, a Party member, were you not?

A Yes, I was a Party member.

Q And you annually gave an oath to Adolf Hitler?

A Yes, sir.

Q And how did you assist Adolf Hitler? What kind of help did you give him?

A I personally took care of disappearance of poverty in the community...

Q One moment... For that there was a burgomaster.

A Yes.

Q And as Ortsgruppenleiter?

A In March 1933 we were prohibited from holding meetings and giving lectures.

Q Did you receive pay, extra pay, for your activity as Ortsgruppenleiter, or not?

A I have not received a penney for my activity as Ortsgruppenleiter.

Q So that was an honorary position?

A Yes, that was honorary.

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Q What do you think in your opinion would have been the difference if there would have been no Orts-gruppenleiter at all in your district?

A The population was very orderly and good, and they loved to work, and I don't think that there would have been any sort of difficultues.

COL ORLOV: No further questions, sir.

THE COMMISSIONER: Witness, you were telling us that you were a member of the Nazi Party, but at the same time you could not understand the book, "Mein Kampf". How could that be?

THE WITNESS: Yes, I have stressed before that due to my many full activities as mayor, as chairman of the Blacksmiths League, and as chairman of the Blacksmiths Cooperative, I attempted again and again to get through the book, but I was disturbed again and again, and I finally gave up reading the book all together.

THE COMMISSIONER: Thank you. Have you any further questions, Dr. Link?

DR LINK: Two questions.

THE COMMISSIONER: Yes, go ahead.

BY DR LINK:

Q First, Mr. Wegscheider, your co-workers, which you had, Block, Zellenleiters, and so on -- did they annually swear fealty to Hitler?

A No. They were sworn in only once.

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Q Once only in the twelve years from 1933 to 1945?

A Yes, once only.

Q In your capacity as Ortsgruppenleiter, not only as Burgomaster, but also as Ortsgruppenleiter, did you consider it your task to help people and to care for people, regardless of whether they were Party members or not?

A I did not make any difference in the person.

DR LINK: No further questions. Only pertaining to the remark of Col Griffith-Jones I wish to state that in my opinion the testimony of this witness is not cumulative since he is the only representative of the Ortsgruppenleiters, which is to say, of the rural Ortsgruppenleiters which has been heard before this Commission at all.

THE COMMISSIONER: Any further questions?

No answer.

How long were you a member of the Nazi Party?

THE WITNESS: I entered in 1933.

THE COMMISSIONER: 1933? For how long were you a Party member?

THE WITNESS: From March 28 1933 until the end.

THE COMMISSIONER: Until the end. So it makes twelve years?

THE WITNESS: Yes, sir.

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THE COMMISSIONER: And for twelve years you had no time to read "Mein Kampf"?

THE WITNESS: No. I stopped reading it entirely.

THE COMMISSIONER: All right.

Have you any further questions?

No answer.

THE COMMISSIONER: We are finished with this witness. The witness may be excused.

The witness was dismissed.
A recess was declared.

The foregoing is a true and correct transcript of the testimony of JOHANN WEGSCHEIDER, taken on 16 July 1946.

Roberts
Reporter (pp 1-5

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Reporter (pp 6-23

CERTIFIED TO :

McIlwraith
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Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

16 July 1946

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POLITICAL LEADERS

(The commission convened at 1230 hours)

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BY THE COMMISSIONER:

The witness will be reminded that he is still under oath. (The interpreter reminded the witness.)

Dr. Link, continue with your examination.

DIRECT EXAMINATION

BY DR. LINK:

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Q What were the instructions the Kreis leader gave to you as an Ortsgruppen leader with regard to your political tasks and duties?

A The Kreis leader has taken charge of the Kreis Kempen-land in 1934 and at that time he brought forward the basic principle and gave the Kreis AMTs leader the following instructions: "You should not govern or command the people,

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but you should lead them."

Q But what is the meaning of that sentence?

A The meaning is the following: You have to be the living example for the symbol of the action and you have to be as you want the people to be.

Q Did he explain what was to happen if people attacked the state leaders or did not approve of their views or measures?

A The Kreis leader outlined there the following principle: If a citizen -- whether he be a party member or not -- should criticize the state leaders then the first thing to do is to examine why he has criticized and what were the reasons. He stressed the point that first it had to be examined if in one way or the other there had not been an injustice done to the man.

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Q Were such denunciations caused because the Block leader and the Zellen leader had to spy upon the population and find out their views?

A During my twelve years of service I have never received such a denunciation.

Q Don't you know that in the organization charter the Block and Zellen leaders have to find out who are spreading rumors and have to denounce them?

A I have only got hold of the organization charter in the year 1943. Therefore I could not be aware of that paragraph and in fact because I had such work I have not really read the organization charter.

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did not really exist and that he was written down on the paper only because three co-workers had to be shown to the Kreis leader. Is that correct?

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Q Have you considered your Block and Zellen leaders as Hoheitstragers?

A No, I did not consider them as H oheitstragers.

Q But as what?

A Only as co-workers.

Q Did your Block and Zellen leaders have files?

A Yes. In the beginning and after the f oundation of the Ortsgruppen the Block and Zellen leaders had files at their disposal. But after a couple of years I had these files removed and handed them over to the cashier because I had found out that in most of the cases the facts stated in the files were not correct.

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A Yes. These files were relevant for the collection of the contributions.

Q I mean to say were they files of the citizens in general in which you could see what sort of papers the man reads and what were his political connections?

A No. There were no such files.

Q Did you have official contact with your Gau leader?

A No, I had no official contact with the Gau leader.

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Q Had you in your capacity as Ortsgruppen leader or any of your co-workers any authority as to police matters and to assignments?

A No. We had no such authority.

Q Could you in your capacity as Orbsgruppen leader call for the SA or the SS for certain measures?

A No.

Q What about the grades and commissions the political leaders were to receive in accordance with the organization charter?

A I had given no information to my political leaders, I mean the Block and Zellen leaders, with regard to that matter.

BY THE COMMISSIONER:

We will adjourn now until two o'clock.

(Commission adjourned 1300 hours until 1400 hours)

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OR ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 of THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

16 JULY 1946

AFTERNOON SESSION

(The Hearing Reconvened at 1400 hours)

COMMISSIONER:

MR. RASUMOV.

THE COMMISSIONER: Where is defense counsel? Counsel, how much time do you think you will take with the witness?

DR. LINK: Approximately three-quarters of an hour.

BY DR. LINK:

Q Before the recess, you stated that in your district the question of ranks of your co-workers did not play any part?

A No.

Q So that your co-workers did not carry any political leader rank?

A No.

Q Did the Block and Zellenleiters among each other have any special meetings or conferences?

A No.

THE COMMISSIONER: Counsel, what is the testimony to be given by the witness?

DR. LINK: The theme of the proof is to be whether the group which could be observed by the witness was a cohesive group formed with the purpose of committing crimes in the sense of the statute. And whether the alleged criminal goals were observable and easily recognizable by this group in the sense of the paragraph 3.

THE COMMISSIONER: Couldn't I have that statement in written form?

DR. LINK: I stated it this morning, that I could have brought a written form; but I would have to have it written up.

THE COMMISSIONER: All right, continue with your examination now.

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BY DR. LINK:

Q Do you want to say that in themeetings with your Kreisleiter or in themeetings with your Ortsgruppenleiter group, or in the meetings of the other political leaders, no discussion took place pertaining to measures or plans, nor were those measures or plans touched upon, which one could characterize as humanly indecent and which might serve to the commission of criminal deeds?

A In these circles these things were not discussed.

THE COMMISSIONER: Let with witness speak. Let him finish.

THE WITNESS: In these circles these matters were not discussed.

BY DR. LINK:

Q In your capacity as Ortsgruppenleiter, did you ever receive any directives pertaining to the throwing of German nationals into Concentration Camps?

A I have not received any such directives.

Q And you yourself, did you ever issue any such directives emanating from yourselfto your co-workers?

A No. I have not given any such directives to my co-workers.

Q How was it in your district, with the throwing of people into concentration camps?

A Since I took over the function of mayor, or Ortsgruppenleiter, in my district, no one was thrown into any concentration camp.

Q Do yuu know of any cases where people were either put into concentration camps, or where people came out of concentration camps?

A Yes, I do know. It was after the seizure of power. It may have been approximately in February. But I do not know at whose instigation these people were sent to Dachau.

Q Did you approve of it; did you do anything against it?

A It was actually only at the end of 1933 or in January 1934 that in my community two of my co-workers by reason of some sort of remark were thrown into a camp. And because the wife of one of them came to me asking me to put in an application for her husband's release, and because she had a great vegetable garden because she herself was sickly and could not take care of it properly. Furthermore, she had the dumping place and ....

DR. LINK: .... That does not mean anything .....

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BY DR. LINK:

Q Did you make an application, with or without success?

A Yes, I got him out.

Q Did you ask him how he fared in the concentration camp?

A I want to stress the name of the man here. It was Michael Baer from Kempten.

Q What did he say?

A He thanked me because out of my own -- out of my community fund, I gave the man car fare and a little pocket money, and I asked him, "Now, Baer, how did you make out?" He said that he had gotten along well, that treatment and food was good.

Q Could you mention more cases to the Court where you have cared for people released from concentrati n camps or other jails?

A Yes.

Q Did you ever hear of people in concentrati n camps being mistreat or even killed?

A No, I actually heard of it only in the camp in Garmisch that there had been such camps.

Q Did you receive any directives, or did you transfer any, which indicated that it was a task of political leiters to fight against the church?

A No.

Q Never?

A No, never.

Q Did political leiters disturb church services?

A Did I understand you correctly -- you wanted to know whether political leiters attended church?

Q No. What I want to know is whether they disturbed church servic

A No.

Q Did political leiters attend church services?

A Yes.

Q Are you "Believing in God"?

A No, I am Catholic.

Q Were the political leiters permitted, despite the fact that they were political leiters, permitted to participate in church activities?

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A I myself, and eight of my co-workers, notwithstanding their being political leiters, were members of the church choir.

Q Was a directive ever issued asking the resignation fromthe church?

A We hever received any written directives.

Q Did political leiters resign?

A None in my Ortsgruppen.

Q Will you tell the court of the religious attitude of the population in the Allgau?

A My Ortsgruppen, or rather the inhabitants of my community, all were catholics.

Q Isn't it true that the population of Allgau were mostly catholic?

A Mostly catholic--only in the area in the north of Kempten, Lutherans.

Q Did you have any contact with trade unions?

A No.

Q Were there any Jews in your Kreis at any time?

A In the Landkreis Kempten there were no Jews.

Q Did the Jewish cattle dealers come into the country -- in your Ortsgruppen also?

A In Kempten there was a wholesale cattle trading firm of Loew Brothers. The farmers went to the city to transact their business there. They rarely came out to our community.

Q How long did your farmers, your population, trade with these Jewish cattle dealers?

A For a long time after the seizure of power, but I cannot definitely state the year.

Q In your capacity as Ortsgruppenleiter, did you not enlighten the farmers that they were not to deal with Jews, and to boycott them?

A I did not.

Q Why not?

A Because I would have considered this interference with the rights of the farmer.

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Q Did you hear anything about the excesses in the year 1938?

A There were some individual rumors.

Q Nothing has happened there?

A No.

Q What was your idea of the solution of the Jewish problem. You must have observed that the Jews had slowly disappeared.

A Yes, I thought that the Jews would have been settled somewhere. There was a lot being spoken and written regarding Palestine.

Q In your capacity as Ortsgruppen leiter, did you receive any directives stating that the American parachuters emergency landing were to be particularly badly treated?

A No, I have never received anything. To the contrary, the Kreisleiter has ordered that such emergency landed flyers were to be treated humanely as prisoners of war.

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Q Have these directives also been put into practice?

A Yes, sir.

Q Were there in your Ortsgruppen, or in the further away area, emergency landed flyers?

A Yes, I myself had the opportunity to take a parachute flyer into my apartment, and one of my political co-workers had an opportunity to pick up two of them.

Q What happened to them?

A Those who were picked up by the political leiters were fed by the farmer; the one I p icked up myself had rations with him. After a very brief time, perhaps ten minutes, they were picked up by car by the Gendarmerie in Kempten.

Q They were not ill treated or in any way mistreated?

A Not in the least.

Q Yet you have read mostly likely the newspaper articles by Goebbels? Why didn't you follow his advice?

A Firstly because I myself was a soldier. I was participant in the campaign in 1918, that is to say - I was a soldier for almost eight years, and I would have considered it an injustice to treat prisoners of war that way.

Q And secondly?

A Secondly, the attitude of the population was that they would not have committed any viciousness against any prisoners of war or parachute flyers.

Q Did you have anything to do with other American or British prisoners of war in your capacity as Ortsgruppenleiter?

A Yes, I had something to do with American and Russian PWs.

Q When was that?

A I cannot recall the month exactly. It was either January or February 1945.

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Q Did they escape from a camp, or were they in any other way deserters?

A These Americans came from the camp Aitrang Kaufbeuren. They were picked up by a Landwacht service at midnight near a bridge near Hirschdorf.

Q How did you happen to be there?

A Both Landwacht guards delivered these people to me.

Q Because you were mayor, or because you were Ortsgruppenleiter?

A Because I was mayor.

Q What did you do?

A In accordance with directives, I knew the Gendarmerie stationed at that station, the man who answered the phone told me he could not come to pick them up because he was alone. He asked me to talk to the Landwacht people and have them take these people to camp. Since it was only four kilometers to Kempten it was possible these people walked there.

Q So nothing happened to them?

A No, these people had a lot of rations with them. All they asked for was a little water.

Q You stated here yesterday that your district was a purely rural one. So that you must have had foreign laborers on the farms. Is that right?

A We had civilian foreign laborers, about sixty male and female, Poles and Ukraines.

Q Were they treated differently from the German workers?

A No, they were treated alike - like the German workers.

Q Has the Kreis issued to you as Ortsgruppenleiter, orders stating that Poles were to be treated particularly badly?

A No.

Q Are you acquainted with any directives emanating from superior authority concerning the treatment of foreign laborers?

A The assignment of these foreign laborers was the duty in our community of the Ortsbauernfuehrer, the local farmer leader.

Q Is it correct that the Ortsbauernfuehrer belonged to the Reichsfuehrer?

A Yes.

Q Was the Arbeitsamt, part of your Ortsgruppen staff?

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A Indirectly.

Q So that you have not received any directives from the Ortsbauernfuehrer pertaining to special treatment of the foreign workers?

A The Ortsbauernfuehrer always has conferred with me on measures which he had to take. I do not remember exactly whether he told me orally about it, or whether he showed me a slip from the Labor Office.

Q What kind of order was it?

A It was said that Poles and Ukraines were to eat at separate tables, were not supposed to use bicycles, and had to be home at a definite hour.

Q Was it like that in your district? If you knew about it, would that have been put into practice?

A No, I told the Ortsbauernfuehrer Joseph we cannot ask our farmers to cook specially for the foreign workers. The people worked at the farms and they should be fed well there.

Q And Joseph did it that way?

A Yes.

Q Mr. Witness, did you ever hear of Einsatzstab Rosenberg?

A No.

Q And not even after the capitulation?

A No.

Q What is your idea of it?

THE COMMISSIONER: I object to this question, because he has not heard of Einsatzstab Rosenberg, so he cannot have an idea of it.

DR. LINK: I wanted to knowwhat sort of idea the words "Einsatzstab Rosenberg" really means to him.

THE WITNESS: I could only assume that it was a matter of church affairs.

BY DR. LINK:

Q In conclusion, I want to ask you two things:

Have you read "Mein Kampf" by Adolf Hitler?

THE WITNESS ATTEMPTS TO ANSWER.

THE COMMISSIONER: Tell us, yes or no.

THE WITNESS: Not completely.

BY DR. LINK:

Q Did you understand it. Did you understand it as far as you read it?

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A I have read only less than one-third of it.

Q Did you understand that third which you read?

A No.

Q And the last. When did you notice that the war was lost?

A At the collapse of the West Wall.

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THE COMMISSIONER: At the collapse?

THE WITNESS: Yes, sir.

BY DR. LINK:

Q Then what did you do?

A There was nothing to do. What could I have done?

Q For instance, you could have resigned as Ortsgruppenleiter.

A That would not have been of any use. Because the next day there would have been someone else in my place.

DR. LINK: No further questions.

CROSS-EXAMINATION

BY COL. GRIFFITH-JONES:

Q Why should you imagine that the Einsatzstab Rosenberg is something to do with church matters?

A From what one could gather from discussion with party members, one heard that Rosenberg was leading some sort of fight against the church.

COL. GRIFFITH-JONES: In the interest of time, I do not propose to cross-examine this witness. His evidence is cumulative. It is exactly the same, point by point, on the evidence that every other member of the political leaders has given. The transcript, for the assistance of the Tribunal, has time and again, always reference to documents which are in complete contradiction to what the witnesses said on many points. I don't think it would be of any use to question the witness here....

THE COMMISSIONER: So you are not going to cross-examine this witness?

Defense counsel, do you have any more questions?

DR. LINK: No questions.

THE COMMISSIONER: Col. Orlov, please?

BY COL. ORLOV:

Q You told us that your whole activity, your entire activity as Ortsgruppenleiter, consisted of calling two to three meetings annually, and some conferences with Zellenleiters.

A Yes, that is the way it was.

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Q What sort of assistance did you give to the Party and the government?

A Merely within the Ortsgruppen - we attempted to diminish unemployment.

Q This is hardly a matter for the Party, to have done that as mayor; but in your capacity as Ortsgruppenleiter what did you do?

A My activity as Ortsgruppenleiter was merely marginal since in February 1934, besides being mayor I also had to take over the function as chairman of the Smiths League of smiths.

THE COMMISSIONER: You mean blacksmiths?

THE WITNESS: Yes. And I also took over that of the Outdoor Purchasing Blacksmiths Cooperative.

BY COL. ORLOV:

Q In any case, you were a Nazi, a Party member, were you now?

A Yes, I was a Party member.

Q And you annually gave an oath to Adolf Hitler?

A Yes, sir.

Q And how did you assist Adolf Hitler? What kind of help did you give him?

A I personally took care of disappearance of poverty in the community.....

Q One moment... For that there was a burgomaster.

A Yes.

Q And as Ortsgruppenleiter?

A In March 1933 we were prohibited from holding meetings and giving lectures.

Q Did you receive pay, extra pay, for your activity as Ortsgruppenleiter, or not?

A I have not received a penny for my activity as Ortsgruppenleiter.

Q So that was an honorary position?

A Yes, that was honorary.

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Q What do you think in your opinion would have been the difference if there would have been no Ortsgruppenleiter at all in your district?

A The population was very orderly and good, and they loved to work, and I don't think that there would have been any sort of difficulties.

COL. ORLOV: No further questions, sir.

THE COMMISSIONER: Witness, you were telling us that you were a member of the Nazi Party, but at the same time you could not understand the book, "Mein Kampf" . How could that be?

THE WITNESS: Yes, I have stressed before that due to my many full activities as mayor, as chairman of the Blacksmiths League, and as chairman of the Blacksmiths Cooperative, I attempted again and again to get through the book, but I was disturbed again and again, and I finally gave up reading the book all together.

THE COMMISSIONER: Thank you. Have you any further questions, Dr. Link?

DR. LINK: Two questions.

THE COMMISSIONER: Yes, go ahead.

BY DR. LINK:

Q First, Mr. Wegscheider, your co-workers, which you had, Block, Zellenleiters, and so on -- did they annually swear fealty to Hitler?

A No. They were sworn in only once.

Q Once only in the twelve years from 1933 to 1945?

A Yes, once only.

Q In your capacity as Ortsgruppenleiter, not only as Burgomaster, but also as Ortsgruppenleiter, did you consider it your task to help people and to care for people, regardless of whether they were Party members or not?

A I did not make any difference in the person.

DR. LINK: No further questions. Only pertaining to the remark of Col. Griffith-Jones, I wish to state that in my opinion the testimony of this witness is not cumulative since he is the only

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representative of the Ortsgruppenleiters, which is to say, of the rural Ortsgruppenleiters which has been heard before this Commission at all.

THE COMMISSIONER: Any further questions?

No. answer.

How long were you a member of the Nazi Party?

THE WITNESS: I entered in 1933.

THE COMMISSIONER: 1933? For how long were you a Party member?

THE WITNESS: From March 28 1933, until the end.

THE COMMISSIONER: Until the end. So it makes twelve years?

THE WITNESS: Yes, sir.

THE COMMISSIONER: And for twelve years you had no time to read "Mein Kampf"?

THE WITNESS: No. I stopped reading it entirely.

THE COMMISSIONER: All right.

Have you any further questions?

No answer.

THE COMMISSIONER: We are finished with this witness. The witness may be excused.

(The witness was dismissed.)
(A recess was declared.)

The foregoing is a true and correct transcript of the testimony of JOHANN WEGSCHEIDER, taken on 16 July 1946.

Roberts
Reporter

Biolsi
Reporter

CERTIFIED TO:

McIlwraith
Commissioner